

**TITLE 33
PROCEDURAL RULE
DIVISION OF ENVIRONMENTAL PROTECTION
OFFICE OF WASTE MANAGEMENT**

**SERIES 6
SOLID WASTE ASSESSMENT FEE EXEMPTIONS**

§33-6-1. General.

1.1. Scope.

This rule establishes procedures to be followed in obtaining solid waste assessment fee exemptions provided under W. Va. Code §22-15-11(e).

1.2. Authority. -- W. Va. Code §22-15-5.

1.3. Filing Date. -- February 24, 1999.

1.4. Effective Date. -- April 1, 1999.

§33-6-2. Solid Waste Assessment Fee Exemptions.

2.1. Exemptions for Certain Facility Owners, Operators, and Lessees. -- A person who owns, operates, or leases an approved solid waste disposal facility is exempt from the payment of solid waste assessment fees, upon the receipt of a Certificate of Exemption from the director, if that facility is used exclusively to dispose of waste originally produced by such person in his or her regular business or personal activities or by persons utilizing the facility on a cost-sharing or nonprofit basis.

2.1.a. In order to obtain a Certificate of Exemption under subsection 2.1 of this rule, a person must submit the following information to the Division of Environmental Protection on the form provided in Appendix A of this rule:

2.1.a.1. The name, address, and telephone number of the person applying for the exemption;

2.1.a.2. A notation of the status of the person applying for the exemption as either the owner, operator, or lessee of the approved solid waste disposal facility;

2.1.a.3. The location and permit number of the facility;

2.1.a.4. A description of the origins, types, and estimated amounts of all wastes disposed of at the facility;

2.1.a.5. A brief description of each business or activity that produces the wastes disposed of at the facility;

2.1.a.6. The name, address, and telephone number of each person utilizing the facility on a cost-sharing or nonprofit basis; and

2.1.a.7. A summary of the legal documents that describe the relationship between the owner, operator, or lessee of the approved facility and the other person or persons disposing of solid waste at the facility. Copies of the actual documents may be requested by the director.

2.2. Exemption for Reused or Recycled Solid Waste. -- A person who segregates and delivers his or her solid waste to an approved resource recovery or recycling facility for the purpose of reuse or recycling of that waste is exempt from the payment of solid waste assessment fees upon the receipt of a Certificate of Exemption from the director.

2.2.a. In order to obtain a Certificate of Exemption under subsection 2.2 of this rule, a person must submit the following information to the Division of Environmental Protection on the form provided in Appendix A of this rule:

2.2.a.1. The name, address, and telephone number of the person applying for the exemption;

2.2.a.2. The location and permit number of the facility to which the waste is delivered for reuse or recycling;

2.2.a.3. A description of the origin, type, and estimated amount of the waste delivered for reuse or recycling;

2.2.a.4. A brief description of the process or method of reusing or recycling the delivered waste; and

2.2.a.5. A notarized statement from the owner or operator of the approved facility that certifies that a reuse or recycling process is in operation at his or her facility and that the delivered waste will in fact be reused or recycled.

§33-6-3. Certificates of Exemption.

3.1. Exemption Determination. -- After reviewing the information submitted by a person seeking an exemption under subsection 2.1 or 2.2 of this rule, Division of Environmental Protection personnel will recommend to the director that:

3.1.a. A Certificate of Exemption be granted;

3.1.b. A Certificate of Exemption be denied; or

3.1.c. A letter requesting additional information be sent to the person seeking the exemption.

3.2. Notification of Denial. -- If the director accepts a recommendation to deny the granting of a Certificate of Exemption, he will notify the person who sought the exemption of the denial and the reasons therefor.

3.2.a. A decision of the director to deny the granting of a Certificate of Exemption is appealable under the provisions of W. Va. Code §22-15-16.

3.3. Changes in Information. -- Whenever a change occurs which modifies the information submitted under subsection 2.1 or 2.2 of this rule, the person granted a Certificate of Exemption must, within thirty (30) days, submit written notice to the division detailing the change.

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3.3.a. Failure by a person granted a Certificate of Exemption to submit the change of information notice required under subsection 3.3 of this rule constitutes cause for revoking the certificate.

APPENDIX A

**WEST VIRGINIA DIVISION OF ENVIRONMENTAL PROTECTION
SOLID WASTE ASSESSMENT FEE EXEMPTION APPLICATION**

PLEASE COMPLETE AND RETURN TO:

W. Va. Division of Environmental Protection
Assessment Fee Exemption
1356 Hansford Street
Charleston, WV 25301

1. NAME, ADDRESS, AND TELEPHONE NUMBER OF APPLICANT:

Please indicate whether you are the:

- Facility owner,
- Facility operator,
- Facility lessee,
- Person delivering his or her waste to a resource recovery; or
- Recycling facility.

2. LOCATION OF THE FACILITY AND ITS PERMIT NUMBER:

3. BRIEF DESCRIPTION OF THE TYPE AND ESTIMATED ANNUAL AMOUNT OF
WASTE DISPOSED AT THIS FACILITY:

4. BRIEF DESCRIPTION OF THE BUSINESSES OR ACTIVITIES WHICH GENERATE THE WASTE DISPOSED AT THIS FACILITY:

NOTE: If you are seeking an exemption for a facility that disposes of waste on a cost-sharing or nonprofit basis, please complete item 5. If you are seeking an exemption for reuse or recycling, please complete item 6.

5. BRIEF SUMMARY OF THE LEGAL DOCUMENTS WHICH DESCRIBE THE RELATIONSHIP BETWEEN YOUR FACILITY AND THE INDIVIDUALS DISPOSING WASTE THERE ON A COST-SHARING OR NONPROFIT BASIS:

Please attach an additional sheet listing the name, address, and telephone number of each person using the facility on a cost-sharing or nonprofit basis.

6. BRIEF DESCRIPTION OF THE PROCESS OR METHOD EMPLOYED TO REUSE OR RECYCLE YOUR DELIVERED WASTE:

Please attach a notarized statement from the facility owner or operator that certifies that a reuse or recycling process is in operation at his or her facility and that the delivered waste will in fact be reused or recycled.

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I hereby declare that the information in this application is accurate and true to the best of my knowledge and belief. I understand that the filing of false, inaccurate, or misleading information is grounds for the revocation of my exemption.

Signature of Applicant

Date